

SEALED

1 Max E. Corrick, II
Nevada Bar No. 6609
2 OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI
9950 West Cheyenne Avenue
3 Las Vegas, NV 89129
Phone: 702/ 384-4012
4 Fax: 702/383-0701
mcorrick@ocgas.com

5 Rodney G. Snow
6 Utah Bar No. 3028
D. Loren Washburn
7 CLYDE SNOW & SESSIONS
201 South Main Street, 13th Floor
8 Salt Lake City, UT 84111
Phone: 801/322-2516
9 Fax: 801/521-6280
rgs@clydesnow.com
10 dlw@clydesnow.com

11 *Attorneys for Keith E. Gregory and*
Keith Gregory & Associates

12 **UNITED STATES DISTRICT COURT OF NEVADA**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 LEON BENZER, KEITH GREGORY, et al.,

18 Defendants.

Case No.: 2:13-cr-00018-JCM-GWF

**UNOPPOSED MOTION TO EXTEND
TIME FOR FILING OBJECTION TO
THE SEALED ORDER FILED ON
FEBRUARY 5, 2014 ON DEFENDANT
KEITH GREGORY'S MOTION TO
SEAL THE GOVERNMENT'S
PROPOSED MOTION TO ADMIT
404(b) EVIDENCE**

(Filed Under Seal)

21
22 Keith Gregory, by and through his counsel of record, Rodney G. Snow, D. Loren
23 Washburn and Max E. Corrick II, respectfully submit to this Honorable Court an unopposed
24 Motion to extend the time for filing an objection to the Report and Recommendation Denying
25 Defendant Gregory's Motion to Seal the Government's Proposed Motion to Admit 404(b)
26 Evidence through and including March 7, 2014.
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1 Defendant Gregory further moves this Court to keep Defendant's Motion to Seal, the
2 Government's Response and the Defendant's Reply, as well as the recording of the January 14,
3 2014 motion hearing, sealed until such time as the District Court has ruled on the objection which
4 will be filed by Defendant Gregory on or before March 7, 2014.

5 For good cause Defendant Gregory shows the Court as follows:

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7 1. The United States, through Charles La Bella, has represented it does not oppose the
8 instant Motion and has not yet received the Order as of February 14, 2014. Mr. La Bella has
9 further indicated he is not sure if the Order was mailed to the local United States Attorney's
10 Office.

11 2. The Order was served on counsel for Defendant Gregory by mail, since this matter
12 was filed and argued under seal, and Defendant Gregory's counsel did not receive the Order until
13 February 10, 2014.

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15 3. Local Rule 3-1(a) of the Local Rules for the United States District Court for the
16 District of Nevada provides:

17 Any party wishing to object to the ruling of the Magistrate Judge on a
18 pretrial matter shall, within 14 days from the date of *service* . . . file and
19 serve specific written objections to the ruling, together with points and
authorities in support thereof.

20 Rule 45 of the Federal Rules of Criminal Procedure provides further authority for this Court to
21 extend the time for Defendant Gregory to submit his objection to the subject sealed Order.

22 4. The sealed Order was not served on Defendant Gregory's counsel until February 10,
23 2014. Thus, Defendant Gregory would have until February 24, 2014 to object, absent further order
24 of this Court.

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26 5. The Court's Order denying Defendant Gregory's Motion to Seal is some 16 pages
27 long, analyzing a number of cases pertinent to the issues, including a case decided in the Southern
28 District of New York on January 9, 2014. *See, United States v. Martoma*, 2014 WL 1641981

1 (S.D.N.Y., decided January 9, 2014). Counsel for Defendant Gregory need time to study the
2 *Martoma* decision, its relation to and impact on the authorities cited in the Court's 16-page Order
3 and cited by the parties with respect to this matter.

4 6. Having discussed with counsel for the Government, Charles La Bella, counsels'
5 schedules and conflicts within the next three weeks, the Government has no opposition to
6 Defendant Gregory's request that Defendant Gregory's objection to the Order denying his Motion
7 to Seal the proposed Motion to Admit 404(b) Evidence may be filed on or before March 7, 2014.
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9 Dated this 18th day of February 2014.

10 OLSON, CANNON, GORMLEY,
11 ANGULO & STOBERSKI
12 and
CLYDE SNOW & SESSION

13 By /s/Rodney G. Snow

14 RODNEY G. SNOW
15 D. LOREN WASHBURN
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1 **ORDER**

2 Based upon the motion of Defendant Gregory, the stipulation of the United States, for the
3 reasons stated in the motion and good cause appearing,

4 IT IS HEREBY ORDERED that Defendant Gregory's time to file an objection to this
5 Court's Order denying Defendant Gregory's motion to seal the Government's proposed Motion to
6 Submit 404(b) Evidence is hereby extended through March 7, 2014.
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8 Dated this 19th day of February 2014.

9 BY THE COURT:

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13 HONORABLE GEORGE FOLEY, JR.
14 United States Magistrate Judge
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February 2014, I filed the foregoing Stipulated Motion to Extend time for Filing Objection to the Sealed Order Filed on February 5, 2014 on Defendant Keith Gregory's Motion to Seal the Government's Proposed motion to Admit 404(b) Evidence, under seal, and served the following recipients by email:

Mary Ann McCarthy, Trial Attorney, Fraud Section
United States Department of Justice, Criminal Division
1400 New York Avenue, N.W.
Washington, D.C. 20530
Mary.ann.mccarthy@usdoj.gov

Charles LaBella
Assistant United States Attorney
Criminal Division
880 Front Street, Room 6293
San Diego, CA 92101
Charles.labella@usdoj.gov

Daniel J. Albregts, Esq.
601 South Tenth Street, Suite 202
Las Vegas, NV 89101
albregts@hotmail.com

s/Rodney G. Snow